

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. _____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>MATTHEW LAKE</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1623 (false declarations before</b>
		<b>grand jury or court - 2 counts)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. On or about March 16, 2004, defendant **MATTHEW LAKE** testified under oath in the United States District Court for the Eastern District of Pennsylvania in a sentencing hearing in the case of United States of America v. Marlon Brown, Criminal No. 03-457-01 (Schiller, J.).

2. It was a matter material to the Court in sentencing Marlon Brown, a/k/a “Peanut,” as a convicted felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), to determine whether on January 27, 2003, Brown, a/k/a “Peanut,” possessed a gun.

3. On or about March 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**MATTHEW LAKE,**

while under oath in a proceeding before the United States District Court for the Eastern District of Pennsylvania, knowingly made a false declaration in response to questions asked him with respect to the material matter as described in paragraph 2 of this Count as follows:

(Questions by government counsel)

Q. . . . Let the record reflect that Matthew Lake has identified . . . the defendant [Marlon Brown as "Peanut."]

\* \* \*

Q. I want to turn your attention to January 27, 2003. \* \* \* Did there come a point where you were in . . . a car?

A. Yes, on the way home, on the way back home.

Q. Outside of 1916 South 23rd Street?

A. Yes.

Q. And who was in the car?

A. Me, [SG, a person known to the grand jury,] and her friend.

\* \* \*

Q. Did there come a point where Peanut pulled out a gun?

A. No.

\* \* \*

Q. . . . I want to ask you today, did you see Peanut, who[m] you identified as the defendant, point a gun on that evening when you were sitting in the Jeep?

A. No, I did not.

\* \* \*

Q. . . . Turning back to January 27th[, 2003,] how close . . . were you to the gun that Peanut pulled out?

A. He didn't pull out no gun, we was arguing.

4. The underlined testimony of defendant **MATTHEW LAKE**, as set forth in paragraph 3 of this Count, as **LAKE** then well knew and believed, was false, in that **LAKE** knew that Marlon Brown, a/k/a "Peanut," had pulled out a gun on that prior occasion about which **LAKE** was then testifying.

In violation of Title 18, United States Code, Section 1623.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. On or about March 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant **MATTHEW LAKE**, while under oath as a witness in a sentencing proceeding then being tried before the United States District Court for the District entitled United States of America v. Marlon Brown, Criminal No. 03-457-01 (Schiller, J.), knowingly made a material declaration which was inconsistent with a prior material declaration made by **MATTHEW LAKE** on or about July 29, 2003, while testifying under oath in a proceeding before a duly empaneled and sworn grand jury for the United States District Court for the Eastern District of Pennsylvania, such material declarations being inconsistent to the degree that one of them is necessarily false.

2. It was material to each of the proceedings described in paragraph 1 of this Count to determine whether Marlon Brown, a/k/a “Peanut,” possessed a gun on January 27, 2003.

3. On or about March 16, 2004, defendant **MATTHEW LAKE**, while under oath as a witness in United States of America v. Marlon Brown, Criminal No. 03-457-01 (Schiller, J.), knowingly testified to a material matter as follows:

(Questions by government counsel)

Q. . . . Let the record reflect that Matthew Lake has identified . . . the defendant [Marlon Brown as “Peanut.”]

\* \* \*

Q. I want to turn your attention to January 27, 2003. \* \* \* Did there come a point where you were in . . . a car?

A. Yes, on the way home, on the way back home.

Q. Outside of 1916 South 23rd Street?

A. Yes.

Q. And who was in the car?

A. Me, [SG, a person known to the grand jury,] and her friend.

\* \* \*

Q. Did there come a point where Peanut pulled out a gun?

A. No.

\* \* \*

Q. . . . I want to ask you today, did you see Peanut, who[m] you identified as the defendant, point a gun on that evening when you were sitting in the Jeep?

A. No, I did not.

\* \* \*

Q. . . . Turning back to January 27th[, 2003,] how close . . . were you to the gun that Peanut pulled out?

A. He didn't pull out no gun, we was arguing.

4. On or about July 29, 2003, defendant **MATTHEW LAKE**, while appearing as a witness under oath before the federal grand jury in the Eastern District of Pennsylvania, had knowingly testified with respect to a material matter as follows:

(Questions by government counsel)

Q. Did there come a time on January 27th, 2003 that you were hanging out with [SG, a person known to the grand jury,] and her kids and this other woman whose name you forgot and this guy named Peanut?

A. Yes.

Q. Were you guys hanging out at 1916 South 23rd Street?

A. Yes.

\* \* \*

Q. When you were hanging out, did there come a point when this Peanut . . . accused [SG] of taking his music CD?

A. Yes.

Q. Did there come a point after that that you were sitting in . . . [SG]'s car?

A. Yes.

\* \* \*

Q. Where were you sitting?

A. In the passenger.

Q. Front passenger seat?

A. Yes.

Q. Where was [SG] sitting?

A. Driver's seat.

\* \* \*

Q. Did this guy, Peanut . . ., did you see him point a gun?

A. Yes.

Q. . . . where were you when you saw him point a gun?

A. In the passenger seat.

Q. Where was he standing?

A. Right next to me.

Q. Was he outside the car?

A. Yes.

Q. Was the door open?

A. Yes.

Q. How close were you to the gun?

A. It was close.

Q. How close, like, a foot away?

A. No, like toward my stomach - - in the middle of my stomach.

Q. Where was he pointing the gun?

A. Toward [SG].

Q. Did there come a point when he actually went around the car?

A. Yes.

Q. Did he enter the car?

A. Yes.

\* \* \*

Q. . . . did he have a gun at that point?

A. Yes.

Q. Where was the gun?

A. On his lap.

\* \* \*

Q. Did you . . . see him, . . . Peanut, a couple of weeks later [after January 27th, 2003]?

A. Yes.

\* \* \*

Q. Where did you see him?

A. At his house.

\* \* \*

Q. Where . . . was he in the house?

A. In the basement.

\* \* \*

Q. Did you see . . a gun in that - -

A. Yes.

Q. - - in the room, the basement?

A. It was the same gun.

Q. It was the same gun. Where was the gun?

A. On the bed.

Q. Describe what the gun looked like?

A. Look like a chrome automatic.

\_\_\_\_\_ Q. A chrome automatic?

A. Yeah.



Q. . . . did you give a statement to the Philadelphia police or to the detectives?

A. Yes.

Q. I'm going to show you your statement. I count four pages. Am I correct, that it's four pages?

A. Yes.

\* \* \*

Q. I just want to read you a portion of the statement . . . and tell me if this was what you told the detectives on February 25th, 2003. Okay?

A. (Witness indicates).

Q. Okay?

A. Yes.

Q. The question the detectives asked you, Matthew Lake, tell me . . . what happened here in South Philly on January 27th, 2003 at 1916 South 23rd Street, involving [SG].

And you answered, . . . [Peanut] pulled out a gun.

Is that what you told the detectives?

A. Yes.

\* \* \*

Q. Is that accurate?

A. Yes.

5. The underlined material declarations of defendant **MATTHEW LAKE** quoted in paragraphs 3 and 4 of this Count were irreconcilably contradictory to the degree that one of

them is necessarily false and were material to the point in question in each of the proceedings in which **LAKE** made these declarations.

All in violation of Title 18, United States Code, Section 1623.

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offenses charged in Counts One and Two of this indictment, defendant **MATTHEW LAKE**:

a. Committed an offense in which the perjury resulted in substantial interference with the administration of justice, as described in U.S.S.G. § 2J1.3(b)(2).

b. Committed the instant offense while under a criminal justice sentence, that is, imprisonment, as defined by U.S.S.G. § 4A1.1(d).

c. Committed the instant offense less than two years after release from imprisonment on a sentence of imprisonment of at least sixty days, as defined by U.S.S.G. § 4A1.1(b) and (e).

**A TRUE BILL:**

**\_\_\_\_\_  
GRAND JURY FOREPERSON**

**\_\_\_\_\_  
PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**